REMARKS

Claims 1-24 are all the claims pending in the application. The Examiner has withdrawn

the rejection of claims 21 and 22 under 35 U.S.C. § 101. Claims 1-24 remain rejected on prior

art grounds.

I.   Claim Rejection under 35 U.S.C. § 102(e) over U.S. Patent No. 6,373,948 to Wool

("Wool")

Claims 1-7, 12, 13 and 15-24 have been rejected under 35 U.S.C. § 102(e) as allegedly

being anticipated by Wool. Applicant respectfully traverses the rejection as follows.

A.   Claim 1

Claim 1 recites, *inter alia*,

> a unit which divides a contents into a first portion and a
> plurality of second portions, each of the second portions including
> information continuously needed in reproducing the contents, a
> data amount of the second portion being smaller than a data
> amount of the first portion;
> a unit which transmits the request of the second portion of
> the contents to the server, the request of the second portion
> including information which indicates a state of the terminal
> device and which is used by the server to determine the second
> portion to be transmitted in response to the request of the second
> portion.

The Examiner maintains that the teaching of Wool that programs are divided into

packages corresponds to the claimed unit which divides a contents into a first portion and a

second portion. *See* Office Action at page 3. Specifically, the Examiner contends that the

packages taught by Wool correspond to the claimed second portion. The Examiner further

maintains that entitlement information stored in Entitlement Database 700 of Wool corresponds

to the claimed first portion. However, the entitlement information is stored in a data storage

device 320 within a set-top terminal 300. *See* Wool at col. 9, lines 8-32. Thus, the entitlement

information is not divided from the plurality of packages, which allegedly corresponds to the

claimed second portion, by a unit within a server, as claimed.

Furthermore, Wool fails to teach that each of the second portions include information

continuously needed in reproducing the contents. Wool merely teaches that a program is any

continuous multimedia transmission of a particular length. *See* Wool at col. 4, line 67 – col. 5.

line 1. In other words, Wool merely defines a program, such as a television episode or a movie,

as information that is continuous or successive. However, although the program defined by

Wool may be successive, it is not continuously needed to reproduce the contents, as claimed in

claim 1.

In addition, the programs or packages of programs, which the Examiner analogizes to the

claimed second portion, clearly contains an amount of data that is larger than the data amount of

the entitlement information, which the Examiner analogizes to the claimed first portion. Even

assuming *arguendo* that the program identifier taught by Wool corresponds to the claimed first

portion, the data amount of the program identifier is also smaller than the program or packages

of programs. Therefore, Wool fails to teach or suggest "a data amount of the second portion

being smaller than a data amount of the first portion."

Wool also fails to teach or suggest that the request of the second portion includes

information indicating a state of the terminal device, which is used by the server to determine the

second portion to be transmitted. The Examiner maintains that the communication port 330

taught by Wool corresponds to the claimed unit which transmits the request of the second portion

of the contents to the server. *See* Wool at Figure 3. However, the reference fails to teach or suggest that any request sent by the communication port 330 includes information indicating a state of the terminal device, and that such information determines the second portion to be transmitted.

Accordingly, Applicant submits that claim is patentable over Wool for at least the foregoing reasons.

B.   Claims 2-7, 12, 13 and 15-24

Since claims 2-7 and 12-13 are dependent upon claim 1, Applicant submits that such claims are patentable over Wool at least by virtue of their dependency. Since claims 15-24 recited features similar to those discussed above in conjunction with claim 1, Applicant submits that such claims are patentable over Wool for at least reasons similar to those set forth above for claim 1.

II.   Claim Rejection under 35 U.S.C. § 103(a) over Wool in view of U.S. Patent No. 6,069,647 to Sullivan et al. ("Sullivan")
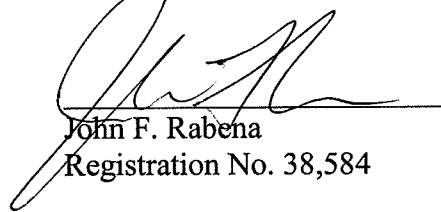
Claims 8-11 and 14 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wool in view of Sullivan. Since claims 8-11 and 14 are dependent upon claim 1, and since Sullivan fails to cure the deficient teachings of Wool with regard to claim 1, Applicant submits that such claims are patentable over Wool and Sullivan at least by virtue of their dependency.

III.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

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